

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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GERMAINE MONTES,

-v-

1:21-CV-303

CONNOR O'SHEA *et al.*,

Defendants.  
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APPEARANCES:

OF COUNSEL:

Germaine Montes  
Plaintiff, Pro Se  
20343  
Albany County Correctional Facility  
840 Albany Shaker Road  
Albany, NY 12211

DAVID N. HURD  
United States District Judge

**ORDER ON REPORT & RECOMMENDATION**

Pro se plaintiff Germaine Montes ("plaintiff") filed this action alleging civil rights violations in connection with his arrest and prosecution for possession of a firearm in violation of state law.

On April 6, 2021, U.S. Magistrate Judge Andrew T. Baxter granted plaintiff's motion for leave to proceed *in forma pauperis* for the purpose of filing. Dkt. No. 5. Judge Baxter also advised by Report & Recommendation that plaintiff's complaint be dismissed with prejudice as to certain defendants

and without prejudice to refiling as to others. Dkt. No. 5. Plaintiff has filed objections to the Report & Recommendation. Dkt. No. 6.

Upon *de novo* review of the portions to which plaintiff has objected, the Report & Recommendation is accepted and adopted in all respects. *See* 28 U.S.C. § 636(b)(1)(C).

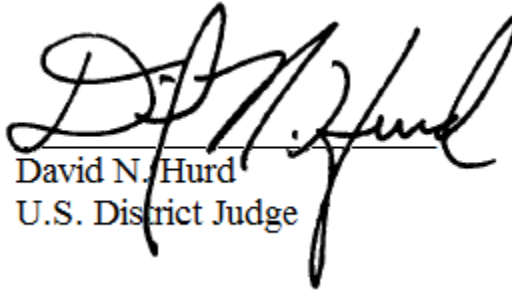
Therefore, it is

ORDERED that

1. The Report & Recommendation is ADOPTED.

IT IS SO ORDERED.

Dated: May 4, 2021  
Utica, New York.



David N. Hurd  
U.S. District Judge